

Mason, Steve

From: Assunto, Carmen
Sent: Tuesday, September 10, 2013 8:27 AM
To: Mason, Steve
Subject: RE: Ammonium Nitrate Research Request

Steve, I hope our answers satisfy, but heads up he could come back for clarification! I am going to give him the PIO's name who was in charge of the command post in West (Rachel Moreno). She may be able to help him, as well.

Sincerely,

Carmen Assunto
Public Affairs Specialist
U.S. EPA Region 6

Houston Laboratory
OFFICE: 281-983-2196
BLACKBERRY: 469-600-3158

From: Mason, Steve
Sent: Tuesday, September 10, 2013 7:52 AM
To: Assunto, Carmen; Goodfellow, Bob; Smith, Monica
Subject: RE: Ammonium Nitrate Research Request

Dear Carmen,

Here are the questions per our conversation. Thank you again for helping us in that matter.

- 1) How many 10,000 pounds or more of ammonium nitrate facilities are in Texas?
The State of Texas (Department of State Health Services) could provide a more accurate answer, but looking at the Tier II submittals for TX in E-Plan, it appears there are approximately 110 facilities that have reported ammonium nitrate above the 10,000 threshold.
- 2) What other states have a comparable number of facilities as Texas?
Approximately 24 facilities have reported in Louisiana, 28 facilities in Arkansas...
- 3) How do these other states handle inspections by entities like fire marshals (or their equivalent)? With specific information about site visits (scheduled or random) and whether the company has the ability to deny admittance. Under 40 CFR 370 (Tier II regulations) it states:

§ 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

- (a) You must allow the fire department to conduct an on-site inspection of your facility; and
- (b) You must provide the fire department with information about the specific locations of hazardous chemicals at your facility.



In addition, many local jurisdictions have authorities under their own fire codes to do fire inspections, which may include hazardous materials inspections.

4) Are there other states that do not have state fire codes, which make them fall under the same provision as Texas fire marshals – that cannot compel businesses to open their doors to them?

One other State example...

In Arkansas, Combustibles/Explosives Sales and Storage Regulation

The Fire Marshal is responsible for oversight of keeping, storing, using, manufacture, selling, handling, transportation, or other disposition of highly flammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or compounds or any other explosive, including fireworks, and firecrackers. The Fire Marshal may also prescribe the materials and construction of receptacles and buildings to be used for any of those purposes.



*Stephen Mason
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From: Assunto, Carmen
Sent: Monday, September 09, 2013 4:12 PM
To: Goodfellow, Bob; Mason, Steve; Smith, Monica
Subject: FW: Ammonium Nitrate Research Request

Hello, Bob, Steve and Monica,
I have a set of questions from the Texas Senate. Are you able to answer any/all of them, and if not, who might I write?
Thank you so much, Carmen

Sincerely,

Carmen Assunto
Public Affairs Specialist
U.S. EPA Region 6

Houston Laboratory
OFFICE: 281-983-2196
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Dear Carmen,

Here are the questions per our conversation. Thank you again for helping us in that matter.

- 1) How many 10,000 pounds or more of ammonium nitrate facilities are in Texas?
- 2) What other states have a comparable number of facilities as Texas?
- 3) How do these other states handle inspections by entities like fire marshals (or their equivalent)? With specific information about site visits (scheduled or random) and whether the company has the ability to deny admittance.
- 4) Are there other states that do not have state fire codes, which make them fall under the same provision as Texas fire marshals – that cannot compel businesses to open their doors to them?

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